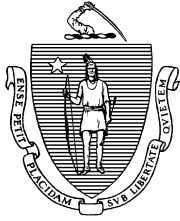


[Senate, July 10, 2008 – New text, to the House Bill relative to early education care (House, No. 4706)]



## **The Commonwealth of Massachusetts**

IN THE YEAR OF TWO THOUSAND AND SEVEN

1       SECTION 1. Chapter 6 of the General Laws is hereby amended by striking out section  
2   172F, as appearing in the 2006 Official Edition, and inserting in place thereof the following  
3   section:-

4       Section 172F. Notwithstanding section 172, the following information shall be available,  
5   upon request, to the department of early education and care for the purposes of evaluating any  
6   residence, facility, program, system or other entity licensed under chapter 15D whether public  
7   or private, or any non-relative, in-home child care provider that receives federal or state funding  
8   in order to further the protection of children: conviction data, arrest data, sealed record data and  
9   juvenile arrest or conviction data. The department of early education and care shall not  
10   disseminate this information for any purpose other than to further the protection of children.

11  
12       SECTION 2. Section 178J of said chapter 6, as so appearing, is hereby amended by  
13   striking out, in line 32, the word “day” and inserting in place thereof the following word:-  
14   child.

15  
16       SECTION 3. Section 181 of said chapter 6, as so appearing, is hereby amended by striking  
17   out, in lines 4 and 5, the words “the office for children” and inserting in place thereof the  
18   following words:- early education and care.

19  
20

21

22       SECTION 4. Section 203 of said chapter 6, as so appearing, is hereby amended by striking  
23 out, in lines 46 and 47, the words “, with the exception of local councils of the office for  
24 children.”

25

26       SECTION 5. Section 208 of said chapter 6, as so appearing, is hereby amended by striking  
27 out, in line 14, the words “office of child care services” and inserting in place thereof the  
28 following words:- department of early education and care.

29

30       SECTION 6. The second paragraph of section 215 of said chapter 6, as appearing in  
31 section 13 of chapter 176 of the acts of 2008, is hereby amended by striking out the words “day  
32 care” and inserting place thereof the following words:- child care.

33

34       SECTION 7. Section 16 of chapter 6A of the General Laws, as so appearing, is hereby  
35 amended by striking out, in line 27, the following words “, the office of child care services”.

36

37       SECTION 8. Section 40E of chapter 7 of the General Laws, as so appearing, is hereby  
38 amended by inserting, after the word “fifteen”, in line 19,k the following words:- ; section 2 of  
39 chapter 15D.

40

41       SECTION 9. Said section 40E of said chapter 7 of the General Laws, as so appearing, is  
42 hereby amended by striking out, in line 25, the words “section three of chapter twenty-eight A”.

43

44       SECTION 10. Section 1G of chapter 15 of the General Laws, as so appearing, is hereby  
45 amended by striking out, in line 2, the words “early childhood education; life” and inserting in  
46 place thereof the following word:- life.

47

48       SECTION 11. Said section 1G of said chapter 15, as so appearing, is hereby further  
49 amended by striking out the seventh paragraph.

50

51 SECTION 12. Said section 1G of said chapter 15, as so appearing, is hereby further  
52 amended by striking out, in line 54, the words “the office for children” and inserting in place  
53 thereof the following words:- the department of early education and care.

54

55 SECTION 13. Section 54 of said chapter 15, as so appearing, is hereby amended by  
56 inserting after the word “board”, in line 1, the following words:- of early education and care.

57

58 SECTION 14. Said section 54 of said chapter 15, as so appearing, is hereby further  
59 amended by inserting after the word “department”, in line 4, the following words:- of early  
60 education and care.

61

62 SECTION 15. Said section 54 of said chapter 15, as so appearing, is hereby further  
63 amended by striking out subsection (b).

64

65 SECTION 16. Subsection (g) of said section 54 of said chapter 15, as so appearing, is  
66 hereby further amended by striking out the second and third sentences.

67

68 SECTION 17. Said section 54 of said chapter 15, as so appearing, is hereby amended by  
69 striking out, in lines 86 and 87, the words “executive office of health and human services” and  
70 inserting in place thereof the following words:- department of early education and care.

71

72 SECTION 18. Said section 54 of said chapter 15, as so appearing, is hereby further  
73 amended by striking out, in line 88, the words “executive office” and inserting in place thereof  
74 the following word:- department.

75

76 SECTION 19. Said section 54 of said chapter 15, as so appearing, is hereby further  
77 amended by striking out subsections (j) and (k).

78

79 SECTION 20. Said section 54 of said chapter 15 is hereby repealed.

80

81       SECTION 21. Section 1 of chapter 15D of the General Laws, as so appearing, is hereby  
82 amended by striking out, in line 5, the words “nurture for” and inserting in place thereof the  
83 following word:- nurturing.

84

85       SECTION 22. Said chapter 15D is hereby further amended by inserting after section 1 the  
86 following section:-

87       Section 1A. As used in this chapter, the following words shall, unless the context requires  
88 otherwise, have the following meanings:-

89       “Adoption”, the establishment of the legal relationship of parent and child pursuant to  
90 chapter 210.

91       “Board”, the board of early education and care.

92       “Child”, any person under the age of 18 or under the age of 22 if that person is a child with  
93 special needs.

94       “Child with special needs”, a child who, because of temporary or permanent disabilities  
95 arising from intellectual, sensory, emotional, physical, or environmental factors, or other  
96 specific learning disabilities, is or would be unable to progress effectively in a regular school  
97 program.

98       “Child care center”, a facility operated on a regular basis whether known as a child nursery,  
99 nursery school, kindergarten, child play school, progressive school, child development center,  
100 or preschool, or known under any other name, which receives children not of common  
101 parentage under 7 years of age, or under 16 years of age if those children have special needs, for  
102 nonresidential custody and care during part or all of the day separate from their parents. Child  
103 care center shall not include: any part of a public school system; any part of a private, organized  
104 educational system, unless the services of that system are primarily limited to kindergarten,  
105 nursery or related preschool services; a Sunday school conducted by a religious institution; a  
106 facility operated by a religious organization in which children are cared for during short periods  
107 of time while persons responsible for the children are attending religious services; a family child  
108 care home; an informal cooperative arrangement among neighbors or relatives; or the  
109 occasional care of children with or without compensation.

110 “Child of working parents”, a child of a 2-parent family in which both parents work either  
111 full-time or part-time, or a child of a single-parent family in which the parent works either full-  
112 time or part-time.

113 “Commissioner”, the commissioner of early education and care.

114 “Curriculum frameworks”, curriculum frameworks established under section 1E of chapter  
115 69.

116 “Department”, the department of early education and care.

117 “Early education and care program”, a public or privately sponsored non-residential  
118 program, which provides for the care and education of school-aged children when not attending  
119 school, or infants, toddlers, or preschool children by someone other than members of the child’s  
120 family, and which involves and supports the child’s parents or guardians and is appropriate to  
121 the development of the child, including: in-home care, homemaker services, family child care  
122 homes, group child care homes, large family child care homes, full-day child care centers, part-  
123 day preschool programs and nursery schools, private kindergartens, mental health consultation  
124 and intervention programs, or temporary shelter care programs and programs which offer night  
125 care.

126 “Family child care home”, a private residence which, on a regular basis, receives for  
127 temporary custody and care during part or all of the day, children under 7 years of age, or  
128 children under 16 years of age if those children have special needs, and receives for temporary  
129 custody and care for a limited number of hours children of school age under regulations adopted  
130 by the board. The total number of children under 16 in a family child care home shall not  
131 exceed 6, including participating children living in the residence. Family child care home shall  
132 not mean a private residence used for an informal cooperative arrangement among neighbors or  
133 relatives, or the occasional care of children with or without compensation.

134 “Family child care system”, a person who, through contractual arrangement, provides to  
135 family child care homes, which have been approved as members of that system, central  
136 administrative functions including, but not limited to: training of operators of family child care  
137 homes; technical assistance and consultation to operators of family child care homes;  
138 inspection, supervision, monitoring and evaluation of family child care homes; referral of  
139 children to available family child care homes; and referral of children to available health and

140 social services. Family child care system shall not mean a placement agency or a child care  
141 center.

142 "Family foster care", substitute parental care in a family given in a private residence for up  
143 to 6 children under 18 years of age on a regular, 24-hour-a-day, residential basis by anyone  
144 other than a relative by blood or marriage, but the care may be provided for more than 6  
145 children, provided that such placement is approved by the commissioner of the department of  
146 children and families, in order to place siblings in the same residence.

147 "Group care facility", a facility which provides care and custody for 1 or more children  
148 under 18 years of age, on a regular, 24-hour-a-day, residential basis by anyone other than a  
149 relative by blood or marriage, notwithstanding that the care may include educational instruction.  
150 Private schools shall be considered group care facilities only if the schools provide special  
151 services to children with special needs. Group care facility shall not mean family foster care, a  
152 hospital, ward or comprehensive center licensed under section 19 of chapter 19, a hospital, ward  
153 or comprehensive center operated by the commonwealth or any subdivision thereof, a hospital,  
154 institution for unwed mothers, convalescent or nursing home, rest home, or infirmary licensed  
155 under chapter 111, or any facility operated under chapter 123. Group care facility shall not be  
156 limited to a facility defined as a group residence under the state building code.

157 "Large family child care home", a private residence which, on a regular basis, receives for  
158 temporary custody and care during part, or all of the day, children under 7 years of age, or  
159 children under 16 years of age if such children have special needs, and receives for temporary  
160 custody and care for a limited number of hours children of school age under regulations  
161 promulgated by the board, but the number of children under the age of 16 in a large family child  
162 care home shall not exceed 10, including participating children living in the residence. A large  
163 family child care home shall have at least 1 approved assistant when the total number of  
164 children participating in child care exceeds 6. Large family child care home shall not mean a  
165 private residence used for an informal cooperative arrangement among neighbors or relatives, or  
166 the occasional care of children with or without compensation.

167 "Local early education and care council", a locally directed council approved under  
168 guidelines adopted by the board and comprised of local representatives from public and non-  
169 public schools, community based providers of early education and care programs and services,  
170 families being served locally by the department, and other persons with experience in the care

171 and education of young children or in the administration and support of early education and care  
172 programs and services.

173 “Massachusetts universal pre-kindergarten program”, the program of voluntary, universally  
174 accessible early education and care programs and services for preschool-aged children,  
175 established in section 13.

176 “Mixed system”, any person providing early education and care including, but not limited  
177 to, public, private, non-profit and for-profit preschools, child care centers, nursery schools,  
178 preschools operating within public and private schools, Head Start programs and independent  
179 and system affiliated family child care homes.

180 “Person”, an individual, partnership, corporation, association, organization or trust or any  
181 department, agency or institution of the federal government or of the commonwealth or any  
182 political subdivision thereof.

183 “Placement agency”, a department, agency or institution of the commonwealth, or any  
184 political subdivision thereof, or any organization incorporated under the laws of the  
185 commonwealth, 1 of whose principal purposes is providing custodial care and social services to  
186 children, which receives by agreement with a parent or guardian, by contract with a state agency  
187 or as a result of referral by a court of competent jurisdiction, any child under 18 years of age for  
188 placement in family foster care or a group care facility, except that for the purposes of adoption  
189 placement, a “placement agency” shall be a department, agency or institution of the  
190 commonwealth, or any political subdivision thereof, or any organization incorporated under  
191 chapter 180, 1 of whose principal purposes is providing custodial care and social services to  
192 children, which receives by agreement with a parent or guardian, by contract with a state agency  
193 or as a result of referral by a court of competent jurisdiction, any child under the age of 18 years  
194 of age for placement in adoption.

195 “Preschool-aged”, a person between the age of 2 years and 9 months and the age the person  
196 becomes eligible for kindergarten in the city or town wherein such person resides.

197 “Public preschool programs”, early education and care programs and services provided to  
198 preschool-aged children by public school districts organized under chapters 15, 69 and 71.

199 “Regional child care resource and referral agency”, a regionally-based organization which  
200 provides a range of services to promote access to high-quality early education and care for  
201 families and children.

202 “School-aged child care program”, a program or facility operated on a regular basis which  
203 provides supervised group care for children not of common parentage who are enrolled in  
204 kindergarten and are of sufficient age to enter first grade the following year, or an older child  
205 who is not more than 14 years of age, or not more than 16 years of age if the child has special  
206 needs. Such a program may operate before and after school and may also operate during school  
207 vacation and holidays. It shall provide a planned daily program of activities that is attended by  
208 children for specifically identified blocks of time during the week, usually over a period of  
209 weeks or months. A school-aged child care program shall not include: a program operated by a  
210 public school system; a part of a private, organized educational system, unless the services of  
211 that system are primarily limited to a school-aged child care program; a Sunday school or  
212 classes for religious instruction conducted by a religious organization where the children are  
213 cared for during short periods of time while persons responsible for those children are attending  
214 religious services; a family child care home, except as provided under large family child care  
215 home; an informal cooperative arrangement among neighbors or relatives; or the occasional  
216 care of children with or without compensation.

217 “Services”, developmental, preventative, protective, recreational, or rehabilitative services  
218 for children including, but not limited to, services to children with special needs, services to  
219 assist parents in child nurturing and family living, and information and referral services. These  
220 services may be delivered through public or privately funded non-residential programs.

221 “Temporary shelter facility”, a facility which operates to receive children under 18 years of  
222 age for temporary shelter during the day or night when those children request shelter, or when  
223 children are placed there by a placement agency, a law enforcement agency or a court with  
224 authority to make such placement. Temporary shelter facility shall not mean family foster care  
225 or a group care facility, a police station or a town lockup.

226

227 SECTION 23. Section 2 of said chapter 15D, as so appearing, is hereby amended by  
228 striking out, in lines 2 to 4, inclusive, the words “shall serve as the lead agency for the  
229 administration of all public and private early education and care programs and service. The  
230 department”.

231

232 SECTION 24. Said section 2 of said chapter 15D, as so appearing, is hereby further  
233 amended by adding the following paragraph:—

234 The department shall:—

235 (a) be the lead agency of the commonwealth for administering and providing early  
236 education and care programs and services to children;

237 (b) provide early education and care programs and mental health consultation and other  
238 support services for children in the commonwealth through grants, contracting for those  
239 programs and services, and providing vouchers to participants, and promote the coordination of  
240 all such programs and services;

241 (c) license or approve child care centers, school-aged child care programs, family child care  
242 homes and large family child care homes, family foster care which is not supervised and  
243 approved by a placement agency, placement agencies, group care facilities, or temporary shelter  
244 facilities;

245 (d) develop and maintain a current consolidated waiting list for all subsidized early  
246 education and care programs, and services in the commonwealth;

247 (e) establish and develop a schedule for revising: (1) a rate structure for voucher and  
248 contracted payments to providers of subsidized early education and care programs and services  
249 on behalf of low-income and other at-risk children; and (2) a sliding fee scale for participants in  
250 those programs. A public hearing under chapter 30A and the approval of the board shall be  
251 required before the establishment or revision of the rate structure and sliding fee scale;

252 (f) manage and implement the Massachusetts universal pre-kindergarten program,  
253 established in section 13, that may be phased in over a period of time as determined by the  
254 board, and ensure the universal accessibility to the program by using the sliding fee scale  
255 developed for early education and care programs,;

256 (g) after a public hearing, adopt criteria including income eligibility requirements, for  
257 determining eligibility for an early education and care program or service, including the  
258 universal pre-kindergarten program under this chapter and develop a schedule for revising such  
259 criteria. Income eligibility requirements shall include a maximum allowable income for  
260 working families;

261 (h) monitor and evaluate on an ongoing basis all early education and care programs and  
262 services, including program outcomes in meeting the developmental and educational needs of  
263 all children;

264 (i) analyze and evaluate all budget requests for early education and care programs and  
265 services, including requests from secretaries, departments, agencies, or other offices within the  
266 commonwealth and make recommendations to the secretary of education, general court,  
267 appropriate secretaries, departments, agencies, or other offices regarding coordination and  
268 approval of those budget requests;

269 (j) lease, purchase, hold and dispose of personal and real property it considers necessary to  
270 carry out this chapter;

271 (k) seek to increase the availability of early education and care programs and services and  
272 encourage all providers of those programs and services to work together to create an array of  
273 options allowing families to select programs that fit with their schedules;

274 (l) provide information and referral to persons seeking early education and care programs  
275 and services;

276 (m) work in conjunction with the department of transitional assistance to obtain federal  
277 reimbursement under the federal Social Security Act for all participants in publicly-funded early  
278 education and care programs and services who are eligible;

279 (n) promote the development of early education and care services for children by seeking  
280 and accepting federal grants as well as assisting other agencies of the commonwealth and local  
281 agencies to take full advantage of all federal funds available for those services;

282 (o) provide technical assistance and consultation to providers and potential providers of  
283 early education and care services;

284 (p) facilitate the development of the early education and care workforce, and, when  
285 appropriate, provide for training programs and professional development for persons offering  
286 early education and care programs and services;

287 (q) establish and regularly update: (1) a comprehensive database of early childhood  
288 educators and providers, hereinafter referred to as the educator database, for the purpose of  
289 enhancing the workforce development system; and (2) a comprehensive database of children  
290 both waiting for and receiving early education and care services, in this chapter called the

291 student database, that is compatible with relevant databases at the department of elementary and  
292 secondary education and the executive office of health and human services; and

293 (r) collect and disseminate information to assist parents in nurturing their children's  
294 development and education. This information shall be made widely available in written form  
295 and accessible through the department's website, in English and other commonly spoken  
296 languages in the commonwealth.

297 (s) plan for and address the unique needs of families with infants and toddlers, including  
298 providing parent education, early literacy services and meaningful opportunities for families not  
299 enrolled in early education and care to support their children's development.

300 SECTION 25. Section 3 of said chapter 15D, is hereby amended by inserting after the  
301 word "care", in line 77, as so appearing, the following words:- programs and.

302

303 SECTION 26. Said section 3 of said chapter 15D, is hereby further amended by inserting  
304 after the word "professionals", in line 80, as so appearing, the following words:- which  
305 accommodates ease of movement of children, by parents, between programs and providers  
306 without loss of subsidy funding for the family.

307

308 SECTION 27. Said section 3 of said chapter 15D, is hereby further amended by inserting  
309 after the word "programs", in line 85, as so appearing, the following words:- and services to  
310 children.

311

312 SECTION 28. Said section 3 of said chapter 15D, is hereby further amended by inserting  
313 after the word "care", in line 93, as so appearing, the following words:- programs and services  
314 to children.

315

316 SECTION 29. Said section 3 of said chapter 15D, is hereby further amended by striking  
317 out, in line 102, as so appearing, the word "and".

318

319 SECTION 30. Said section 3 of said chapter 15D, is hereby further amended by inserting  
320 after the word "exploitation", in line 104, as so appearing, the following:- ; and

321 (12) to promote the design and implementation of the Massachusetts universal pre-  
322 kindergarten program.

323

324 SECTION 31. Said section 3 of said chapter 15D, as so appearing, is hereby further  
325 amended by inserting after the word “commonwealth”, in lines 109 and 110, the following  
326 words:- except for those grant programs for which the department of elementary and secondary  
327 education is the state educational agency.

328

329 SECTION 32. Said section 3 of said chapter 15D, as amended by section 84 of chapter 29  
330 of the acts of 2008, is hereby further amended by striking out subsection (e) and inserting in  
331 place thereof the following 3 subsections:-

332 (e) The board shall determine the need for all early education and care programs and  
333 services, the extent and availability of those programs and services and the coordination of those  
334 programs and services, and shall make recommendations to the secretary of education, the  
335 general court, and appropriate secretaries, agencies, departments, or other offices on need  
336 priorities and any changes necessary to improve coordination.

337 (f) The board, under chapter 30A, shall adopt and, from time to time, may revise rules and  
338 regulations that may be necessary to carry out this chapter. These regulations shall include age-  
339 appropriate and developmentally appropriate standards for the following developmental stages:  
340 infant and toddler; pre-school; early elementary; and older school age children. These standards  
341 shall be promulgated in consultation with the advisory council on early education and care.  
342 These regulations shall also include requirements for licensure as established in section 8. The  
343 board shall submit any rules and regulations, or revisions to them, to the joint committee on  
344 education and the house and senate committees on ways and means at least 60 days before  
345 adoption, except for emergency regulations which shall be filed with the committees the same  
346 day they are filed with the secretary of the commonwealth. The joint committee on education  
347 shall review and comment on these rules and regulations during that time period.

348 (g) The board shall submit an annual report to the secretary of education, the secretary of  
349 administration and finance, and the clerks of the house of representatives and senate, who shall  
350 forward the same to the joint committee on education, describing its progress in achieving the  
351 goals and implementing the programs authorized in this chapter. The report shall evaluate the

352 progress made toward universal early education and care for preschool-aged children and  
353 toward reducing expulsion rates through developmentally appropriate prevention and  
354 intervention services. This report shall be submitted not later than February 15 annually.  
355

356 SECTION 33. Said chapter 15D is hereby further amended by inserting after section 3 the  
357 following section:-

358 Section 3A. There shall be a state advisory council on early education and care, the  
359 members of which shall represent a reasonable geographic balance and shall reflect the diversity  
360 of the commonwealth in race, ethnicity, gender and sexual orientation. Members of the  
361 advisory council shall, at minimum, include 1 person from each of the following organizations,  
362 or their successor organizations, if applicable: Child Development and Education, Inc., the  
363 Massachusetts Head Start Association; the Massachusetts Association for the Education of  
364 Young Children; the Massachusetts Association of Early Childhood Teacher Educators; the  
365 Massachusetts Association of School Committees; the Massachusetts Association of School  
366 Superintendents; the Massachusetts Elementary School Principals Association; the  
367 Massachusetts Association of Regional Schools; the Massachusetts Teachers Association; the  
368 American Federation of Teachers Massachusetts; the Massachusetts Business Alliance for  
369 Education; the Massachusetts Association of Community Partnerships for Children, Inc.;  
370 Strategies for Children/Early Education for All; the Child Care Resource and Referral Network;  
371 the Massachusetts Association of Day Care Agencies; the Massachusetts Independent Child  
372 Care Organization; Associated Early Care and Education; BostNET; the YMCAs of  
373 Massachusetts; the United Way of Massachusetts Bay; the Massachusetts After-School  
374 Partnership; Parents Alliance for Catholic Education; Together for Kids Coalition; Horizons for  
375 Homeless Children; the Massachusetts Chapter of the American Academy of Pediatrics; the  
376 Federation of Children With Special Needs; the Bureau of Jewish Education; the Boston  
377 Institute for the Development of Infants and Parents; the Massachusetts Early Intervention  
378 Consortium; and a family child care provider chosen by the commissioner.

379 The council shall be further composed of 8 members, 3 of whom shall be appointed by the  
380 speaker of the house, 1 of whom shall be appointed by the minority leader of the house of  
381 representatives, 3 of whom shall be appointed by the president of the senate, and 1 of whom  
382 shall be appointed by the minority leader of the senate. Additional advisory members may also

383 be recommended by the commissioner and appointed by the board. All appointees shall have a  
384 special expertise or interest in high quality early childhood education and care and shall  
385 represent a mix of representatives of the early childhood community, the civic, labor, and  
386 business communities, academics, parents, teachers, social service providers, and health care  
387 providers.

388 Members shall not, by virtue of their membership, be considered state employees under  
389 chapter 268A. The members of the council shall serve without compensation but may be  
390 reimbursed, subject to appropriation, for expenses necessarily and reasonably incurred in the  
391 performance of their responsibilities. Members shall be appointed for a term of 3 years. No  
392 member shall serve for more than 2 consecutive terms. The council shall meet not fewer than 4  
393 times annually.

394 The commissioner shall consult with the advisory council on the development of the 5-year  
395 master plan for early education and care required under section 4, and the adoption of the  
396 educationally sound kindergarten readiness assessment instrument required under sections 3 and  
397 13. The advisory council may review and offer comments on any rules or regulations before  
398 promulgation by the board, and may, from time to time, make recommendations to the board  
399 that it considers appropriate for changes and improvements in early education and care  
400 programs and services.

401

402 SECTION 34. Said chapter 15D is hereby further amended by striking out section 4, as  
403 most recently amended by section 86 of chapter 27 of the acts of 2008, and inserting in place  
404 thereof the following 2 sections:-

405 Section 4. The board shall by a 2/3 vote of its members submit to the secretary, for the  
406 secretary's approval, a recommended candidate to serve as the commissioner of early education  
407 and care, in this chapter called the commissioner. The secretary may appoint the recommended  
408 candidate as commissioner. If the secretary declines to appoint the candidate, the board shall  
409 submit a new candidate for consideration. The secretary may appoint the commissioner only  
410 from candidates submitted to the secretary by the board.

411 The board may in its discretion by majority vote of its members remove the commissioner.  
412 The commissioner shall be the secretary to the board and its chief executive officer and shall be

413 the executive and administrative head of the department. The commissioner shall receive a  
414 salary to be determined by the board.

415 The commissioner shall have substantial professional or administrative experience in the  
416 fields of early education and care. The commissioner shall devote full-time during business  
417 hours to the duties of the office. The commissioner shall be responsible for administering and  
418 enforcing the law relative to the department. The commissioner may authorize any officer of  
419 the department to exercise in his name any power or to discharge any duty assigned to the  
420 commissioner by law, and may at any time revoke that authority.

421 Subject to the approval of the board of early education and care, the commissioner may  
422 apply for and accept on behalf of the commonwealth, any federal, local, or private grants,  
423 bequests, gifts, or contributions to aid in the financing of any of the programs or policies of the  
424 department. Such funds shall be received by the state treasurer on behalf of the commonwealth  
425 and deposited in a separate account and shall be expended under the direction of the  
426 commissioner, with the approval of the board of early education and care. Federal funds paid as  
427 reimbursement to the commonwealth shall be deposited into the General Fund.

428 The commissioner, with the approval of the board, shall establish divisions or other offices  
429 considered necessary for the efficient operation of the department. Each division or office shall  
430 be under the charge of an associate commissioner who shall be appointed by the commissioner  
431 and who shall be subject to the direction, control and supervision of the commissioner. Each  
432 associate commissioner shall be a person of skill and experience in the field of appointment and  
433 shall be appointed by and may be removed by the commissioner. Each associate commissioner  
434 shall devote full-time during business hours to the duties of the office. Sections 9A, 9B and 9D  
435 of chapter 30, and chapter 31 shall not apply to the commissioner, to associate commissioners  
436 that he may appoint, or to other such supervisory positions that he may create.

437 The commissioner shall propose a budget to the board. The budget shall reflect the goals  
438 and objectives of the board and the secretary. The board shall review and make  
439 recommendations regarding the budget to the secretary. The secretary shall then prepare and  
440 submit a budget request on behalf of the department to the house and senate committees on  
441 ways and means, the joint committee on education, and to the secretary of administration and  
442 finance.

443       The commissioner may make agreements with other departments and agencies of the  
444 commonwealth and may contract with other persons, including, but not limited to, private  
445 agencies, to carry out this chapter. The commissioner shall establish standards and procedures  
446 governing these agreements and contracts, subject to the approval of the board.

447       The commissioner shall analyze the present and future goals, needs and requirements of  
448 early childhood education and care in the commonwealth and recommend to the board  
449 comprehensive means to achieve a well-coordinated system that promotes positive social and  
450 emotional development, high educational achievement, and quality care in the commonwealth.  
451 Following consultation with the board, the commissioner shall prepare and submit to the  
452 secretary, for the secretary's review and approval, a 5-year master plan for achieving such a  
453 coordinated system. The master plan along with an annual progress report shall reflect the goals  
454 and standards established by the board and the secretary.

455       The master plan shall include, but not be limited to: enrollment projections; identification  
456 of measures for age-appropriate child development and school readiness; expulsion rate  
457 projections; utilization of existing facilities; promotion of research; programmatic excellence;  
458 recommendations for construction or acquisition of new facilities; program distribution; the  
459 addition of new programs; the elimination of existing programs; and the need for program  
460 revisions. The commissioner shall receive reports, undertake research, and facilitate  
461 coordination among and between all entities delivering programs or services under this chapter.  
462 The commissioner shall promote the partnership of providers of early education and care  
463 programs and services with elementary and secondary schools, institutions of higher education  
464 and business and civic organizations.

465       The board may delegate its authority, or any portion thereof, to the commissioner  
466 whenever, in its judgment, such delegation may be necessary or desirable. The commissioner  
467 shall exercise such delegated powers and duties with the full authority of the board.

468  
469       The commissioner may, subject to appropriation, appoint such other employees as he  
470 deems necessary to carry out his duties and responsibilities. The commissioner shall be  
471 provided with adequate offices, and may expend sums for other necessary expenses of the  
472 department.

473

474       Section 4A. (a) In order to facilitate the licensure process, the commissioner, with the  
475 approval of the board, shall establish sub-state regions within which all licensure or approval of  
476 child care centers and family child care homes, large family child care homes, and family child  
477 care systems, under sections 6 to 10, inclusive, shall be carried out.

478       (b) The department shall support and work with local early education and care councils in  
479 the development of community plans that address how the councils and communities will: (1)  
480 build on the local array of services and improve access to services for additional families or  
481 increase services for families already receiving services; (2) increase quality; (3) support  
482 comprehensive services for children and families; (4) collaborate across agencies; and (5)  
483 provide services for hard to reach populations. Local plans shall be reviewed and evaluated  
484 using board-approved criteria to assess the quality of collaborative planning, the effectiveness of  
485 the plan in addressing community needs and the quality and cost-effectiveness of proposed  
486 services.

487       (c) In order to ensure regional coordination and to maximize local participation in the  
488 programs and services of the department, the department shall support and work with regional  
489 child care resource and referral agencies in the development of region-wide improvement plans.

490       (d) The commissioner shall attempt to maximize statewide coordination of services by  
491 ensuring that the geographic service areas of the regional child care resource and referral  
492 agencies and the local early education and care councils are similar to each other and to the  
493 regions created by subsection (a). These regional agencies and local councils shall work  
494 together to provide and coordinate a broad range of services to promote access to high-quality  
495 early education and care programs to children and families throughout the commonwealth  
496 including, but not limited to, acting as local points of access for families seeking information  
497 about and financial assistance for early education and care and supporting professional  
498 development opportunities for early education and care providers.

499

500       SECTION 35. Section 5 of said chapter 15D, as appearing in the 2006 Official Edition, is  
501 hereby amended by striking out, in line 67, the words “and (14) ways to recognize and honor  
502 advancements in educational attainment among early education and care professionals.” and  
503 inserting in place thereof the following 3 clauses:-

504 (14) ways to recognize and honor advancement in educational attainment among early  
505 educational and care professionals;

506 (15) professional development opportunities that are provided in languages other than  
507 English, and incorporation of these opportunities into any broader, articulated system that is  
508 developed; and

509 (16) alignment of the core competencies, course offerings and other professional  
510 development opportunities, where appropriate, with the program quality standards established  
511 under section 11.

512

513 SECTION 36. Said chapter 15D is hereby further amended by adding the following 11  
514 sections:-

515 Section 6. (a) No person shall operate a school-aged child care program, a child care center,  
516 family child care home, large family child care home, placement agency, group care facility, or  
517 temporary shelter facility unless that person is licensed by the department. A department,  
518 agency or institution of the commonwealth or any political subdivision thereof shall obtain an  
519 approval rather than a license in order to operate a child care center, family child care home,  
520 placement agency, group care facility, or temporary shelter facility.

521 (b) No person shall maintain a child in family foster care without placement, supervision  
522 and approval by a placement agency unless that person is licensed by the department.

523 (c) No person shall place or knowingly facilitate the placement of any child in the care or  
524 control of any other person not related to that child by blood or marriage, or in the care or  
525 control of any organization other than a licensed or approved placement agency, for purposes of  
526 adoption in the commonwealth. No person unrelated to a child by blood or marriage, and no  
527 organization other than a licensed or approved placement agency, shall receive a child for  
528 purposes of adoption, except from a licensed or approved placement agency. Nothing in this  
529 section shall prevent the placement of a child who is not a citizen of the United States when a  
530 home study of the prospective parent or parents, before the placement of the child, is performed  
531 by a licensed placement agency. For the purpose of this section, the spouse of the natural parent  
532 of a child shall be considered to be related by marriage to that child.

533 (d) Notwithstanding any general or special law, rule or regulation to the contrary, no child  
534 shall be placed in a foster home before the approval of the home by the department or by any

535 individual or agency licensed by the department under this section, except in an emergency  
536 placement in a foster home limited to relatives or long-term friends of the child's family. This  
537 approval shall include criminal record information checks on all persons 18 years or older  
538 residing at the home. In the event of any emergency placement, a criminal offender record  
539 information check shall be completed on all persons 18 years of age or older residing at the  
540 home within 10 working days after the placement. If the result of any of these checks shows  
541 that any occupant of the home has a criminal record involving violence, abuse, or exploitation  
542 against any person, which bears adversely upon the person's ability to assume and carry out the  
543 responsibilities of a foster parent or poses a serious threat of harm to a child, the home shall not  
544 be approved by the department. No child shall be placed in that home, and any child placed  
545 therein as an emergency placement shall be removed immediately.

546 (e) No person shall cause to be published in a newspaper distributed in the commonwealth  
547 or to be broadcast on a radio or television station in the commonwealth an advertisement or  
548 notice for the placement or reception of a child under 16 years of age for family foster care,  
549 family child care, large family child care, child care center care, school-aged child care  
550 program, group residential care, or temporary shelter care or adoption unless the advertisement  
551 is placed by a licensed or approved placement agency, by a licensed family child care home,  
552 large family child care home, child care center, school-aged child care program, group care  
553 facility or temporary shelter facility, or with the written approval of the department. The  
554 advertisement or notice shall include the license or registration number issued to the provider or  
555 agency under this section.

556 Section 7. (a) The department shall issue and may renew a license to any person other than  
557 a department, agency or institution of the commonwealth or any political subdivision thereof,  
558 who meets applicable standards and requirements to establish and maintain or to assist in the  
559 establishment and maintenance of a school-aged child care program, a child care center, family  
560 child care home, placement agency or large family child care home, family foster care which is  
561 not supervised and approved by a placement agency, group care facility or temporary shelter  
562 facility.

563 (b) The department shall issue approval to a department, agency, or institution of the  
564 commonwealth or any political subdivision thereof which it determines meets the applicable  
565 standards and requirements to establish and maintain a child care center, family child care home

566 or large family child care home, placement agency, group care facility or temporary shelter  
567 facility.

568 (c) The department may issue a provisional license for or may provisionally approve a  
569 school-aged child care program, a child care center, family child care home or large family child  
570 care home, family foster care which is not supervised and approved by a placement agency,  
571 placement agency, group care facility or temporary shelter facility, which has not previously  
572 operated, or is operating, but is temporarily unable to meet applicable standards and  
573 requirements. A provisional license or approval shall be issued for a period not to exceed 6  
574 months, and in no case shall a person operate under a provisional license, provisional approval,  
575 or renewal thereof for more than 12 consecutive months.

576 Section 8. (a) The board shall adopt regulations relative to the requirements for licensure  
577 and approval of school-aged child care programs, child care centers, family child care homes or  
578 large family child care homes and family foster care which is not supervised and approved by a  
579 placement agency, placement agencies, group care facilities or temporary shelter facilities.  
580 These regulations shall be appropriate for the protection of the health, well-being and  
581 development of children and shall include, but need not be limited to, provisions relative to: (1)  
582 admission policies and procedures; (2) safe transport of children; (3) physical plant and  
583 equipment; (4) the number and qualifications of staff; (5) the nature of programs of care or  
584 treatment; (6) behavior management and child guidance policies and procedure; (7) health care  
585 and nutrition; (8) rights and responsibilities of parents, children and staff; (9) record keeping  
586 and other procedures relevant to evaluation including, but not limited to, reports by placement  
587 agencies detailing the number and nature, as defined jointly by the University of Massachusetts  
588 center for adoption research and policy in the city of Worcester and the department of children  
589 and families, of adoptions processed during each calendar quarter to be filed with the center on  
590 or before January 30 annually; (10) organization, financing and administration; and (11) the  
591 imposition of civil fines and other sanctions. The board shall consult with the board of  
592 elementary and secondary education and the executive offices of public safety and health and  
593 human services before adopting these rules and regulations. The board shall submit any rules  
594 and regulations, or revisions to them, to the joint committee on education for review and  
595 comment at least 60 days before adoption.

596 (b) The regulations may establish classifications for licensure or approval that are necessary  
597 to achieve the purposes of this section, but the standards and requirements for approval of a  
598 child care center, family child care home or large family child care home, placement agency,  
599 group care facility, or temporary shelter operated by a department, agency or institution of the  
600 commonwealth or any political subdivision thereof shall be the same as or higher than those  
601 applicable to the licensure of comparable facilities or services. The regulations shall establish  
602 reasonable license fees and appropriate terms for all licenses granted under this section. No  
603 license or approval shall be transferable.

604 (c) The regulations, as they relate to standards and requirements for licensure and approval  
605 of large family child care homes, shall include, but not be limited to, appropriate standards for:  
606 1 or more approved assistants as provided in this chapter; additional floor space; staff-to-child  
607 ratios for multiple age and size groupings; limitations on the number of infants in care at 1 time;  
608 the hours of school-aged care; the number and age of school-aged children cared for; a  
609 prerequisite that a provider have at least 3 years of experience in licensed family child care and  
610 have completed at least 5 hours of specialized training before licensure as a large family child  
611 care provider and at least 10 hours of training each subsequent year. In formulating the  
612 regulations pertinent to family child care homes, large family child care homes and family foster  
613 care, the department shall give special attention to fire and safety precautions.

614 (d) The regulations shall provide that each person providing child care or support services  
615 with the potential for unsupervised contact with children in any program or facility licensed or  
616 funded by the department, as well as any household members or persons regularly on the  
617 premises of family child care and large family child care homes, shall be subject to a criminal  
618 offender record information check.

619 (e) Any rule or regulation involving medical treatment shall include appropriate exemptions  
620 for children whose parents object to such treatment on the ground that it conflicts with the tenets  
621 and practice of a recognized church or religious denomination of which the parent or child is an  
622 adherent or member. The regulations shall require that each child care program licensed or  
623 approved by the department shall obtain from a parent or guardian of a child in care under the  
624 age of 6 years, but not less than 2 years of age, a statement, signed by a physician or an  
625 employee of a health care agency, that the child has been screened for lead poisoning. This

626 statement shall be obtained upon the child's enrollment if the child is 2 years of age or older or  
627 at the time the child reaches 2 years of age.

628 (f) The regulations shall require that any person who operates a school-age child care  
629 program, as defined in section 2 of chapter 132B, or a child care center shall comply with the  
630 requirements regarding pesticide applications as set forth in sections 6C to 6I, inclusive of said  
631 chapter 132B.

632 (g) Fines authorized by this section shall range from \$50 to \$1,000. In no case shall a fine  
633 imposed on a family child care home, large family child care home or child care center exceed a  
634 maximum fine of \$250 per violation.

635 (h) The department shall provide consultation to assist applicants in meeting its  
636 requirements for licensure or approval, and in meeting other applicable state and local  
637 requirements relative to fire, safety, and zoning codes.

638 (i) The board shall conduct a comprehensive review of rules and regulations established  
639 under this section at least once every 5 years.

640 Section 9. (a) The department may, at any reasonable time, visit and inspect any facility  
641 operated by a person who is subject to licensure or approval under this section in order to  
642 determine whether the facility is being operated in compliance with law and with the rules and  
643 regulations established by the board.

644 (b) The department shall make an unannounced monitoring inspection of all large family  
645 day care homes within 6 months after the issuance of licenses for those facilities and shall,  
646 annually, make at least 1 such unannounced monitoring inspection thereafter.

647 (c) The department shall promptly investigate and evaluate any notice transmitted to the  
648 department by the department of children and families under subsection (l) of section 51B of  
649 chapter 119. Such investigation and evaluation shall determine whether the facility being  
650 operated by a person subject to licensure or approval under this section is being operated in  
651 compliance with this chapter and within the rules and regulations established under this chapter.  
652 If, during the course of any such investigation or licensing study conducted by the department,  
653 any agent or employee of the department receives or discovers information concerning the  
654 occurrence of child abuse or neglect, such agent or that employee shall make a report to the  
655 department of children and families under said section 51A of said chapter 119.

656       Section 10. Subject to the requirements of chapter 30A, the department may suspend,  
657       revoke, make probationary, refuse to issue or renew the license of any person, assess a civil fine  
658       within the limits prescribed by this section, or impose any other sanctions it considers  
659       appropriate, in accordance with rules and regulations promulgated by the board. This action  
660       may be taken if the person: fails to comply with applicable rules and regulations, furnishes or  
661       makes any misleading or false statements relative to any submission required under the rules  
662       and regulations, refuses to submit any reports or make available any records required by the  
663       rules and regulations or refuses to admit representatives of the department at any reasonable  
664       time for purposes of investigation or inspection. The department may temporarily suspend a  
665       license in an emergency situation without a prior hearing. Upon request of an aggrieved party, a  
666       hearing shall be held as soon after the license is suspended as is reasonably possible. Any party  
667       aggrieved by a final decision of the department in any adjudicatory proceeding under this  
668       section may petition for judicial review under section 14 of chapter 30A.

669       The board shall include in its annual report rules and regulations promulgated by the board  
670       relative to the use of civil fines and sanctions, the types of sanctions, and the amount of those  
671       fines.

672       Section 11. The board, after holding a public hearing, shall adopt, and develop a schedule  
673       for revising, program quality standards and requirements that any early education and care  
674       program or provider shall meet. The department shall develop separate but related standards for  
675       children in the following developmental stages: infant and toddler, pre-school, early elementary  
676       and older school-age; and for additional developmental stages that the department may  
677       determine relevant based on research and best practices. These standards and requirements  
678       shall incorporate essential elements of high-quality early education and care that promote  
679       healthy, cognitive, linguistic, social, emotional and physical outcomes, and school readiness  
680       based on curriculum frameworks. Standards and requirements shall build upon the licensure  
681       regulations promulgated under section 8.

682       (a) The standards for all developmental stages and any succeeding developmental stages  
683       adopted by the department shall be incorporated into a single document and linked by a  
684       common philosophy and consistent goals and guiding principles. This document shall also  
685       include the policy developed jointly with the department and board of elementary and secondary  
686       education required under section 13 to ensure smooth transitions between infant and toddler

687 programs, preschool and kindergarten. The standards shall be regularly updated to reflect  
688 applicable research and best practices. The board shall submit standards and requirements, or  
689 revisions of them, to the joint committee on education and the house and senate committees on  
690 ways and means at least 60 days before adoption. The joint committee on education shall  
691 review and comment on the rules and regulations during that time period.

692 (b) The board shall include, in its adoption and revision of program quality standards, a  
693 specific focus on the unique requirements and needs of preschool-aged children including, but  
694 not limited to, rigorous guidelines for preschool learning experiences. Every early education  
695 and care program or provider shall be required to meet these standards in order to participate in  
696 the Massachusetts universal pre-kindergarten program, established in section 13.

697 (c) The department, with approval of the board, shall develop a consistent set of learning  
698 standards for all preschool programs in the commonwealth, to be included in the program  
699 quality standards. The standards shall be consistent with the curriculum frameworks developed  
700 by the department of elementary and secondary education, shall be research-based and shall be  
701 updated regularly to reflect best practices in the field of early education and care. The standards  
702 shall guarantee, at a minimum, that every program participating in the Massachusetts universal  
703 pre-kindergarten program shall include consultation and intervention services for children at  
704 risk for expulsion.

705 (d) With the approval of the board, the department shall develop and establish a schedule  
706 for revising a comprehensive set of developmental benchmarks which may be incorporated into  
707 the quality standards, and which may be used by all early education and care programs in  
708 measuring children's developmental progress utilizing the healthy, cognitive, linguistic, social,  
709 emotional and physical outcomes for developing the quality standards. In developing the  
710 benchmarks, the department shall collaborate with pediatricians, child psychologists, and  
711 researchers within the field of child development and developmental psychology, in order to  
712 ensure that the document reflects best practices in the field and the most recent evidence  
713 provided by science relative to early childhood development.

714 Section 12. (a) The department shall establish a comprehensive system for measuring the  
715 performance and effectiveness of programs providing early education and care and services.  
716 This system shall include, but not be limited to, outcomes of the kindergarten readiness  
717 assessment system and additional educationally sound, evaluative tools or developmental

718 screenings that are adopted by the department to assess developmental status, age-appropriate  
719 progress and school readiness of each child; outcomes of evidence-based intervention and  
720 prevention practices to reduce expulsion rates; and evaluations of overall program performance  
721 and compliance with applicable laws, standards and requirements. If the department determines  
722 that a program has failed to meet performance measures, it may impose sanctions that it  
723 considers necessary. These sanctions may include, but need not be limited to, probationary  
724 status and termination of funding.

725 (b) The department, with the approval of the board, shall adopt, and from time to time may  
726 revise, the rigorous, developmentally appropriate, and educationally sound kindergarten  
727 readiness assessment system required by this chapter, including additional tools that the  
728 department considers necessary in order to assess age-appropriate progress and school readiness  
729 of preschool-aged children. This system shall recognize the unique challenges of assessing  
730 preschool-aged children, and shall utilize tools that are reliable, valid and culturally and  
731 linguistically appropriate. The department shall align this assessment with its program quality  
732 and learning standards, benchmarks, the department of elementary and secondary education's  
733 curriculum guidelines and, where applicable, best practices in the field.

734 (c) Assessments shall be conducted as much as practicable in the child's natural setting,  
735 and the results of the assessment tests developed by the department shall not be used for high  
736 stakes decisions, so-called, about a child's progress within the preschool environment nor about  
737 the child's transition to kindergarten. Data collected from these assessments shall not be used  
738 for the purpose of ranking individual students within a program.

739 (d) In developing these assessments, the department shall survey all providers in the  
740 commonwealth, and as much as practicable, review the major assessment systems in place in  
741 other states, in order to determine the most appropriate tools of assessment for the  
742 commonwealth. Upon determination by the board that the tools are valid, reliable, and  
743 appropriate, the department shall require that every provider in the commonwealth participating  
744 in the Massachusetts universal pre-kindergarten program use the assessment tools for the  
745 purposes outlined in this chapter. Subject to appropriation, the department shall provide  
746 training and professional development to providers to ensure the consistent application of  
747 assessment tools.

748 (e) The comprehensive system for measuring the performance and effectiveness of  
749 programs shall be designed to measure the extent to which every preschool-aged child receiving  
750 early education and care in the commonwealth through the Massachusetts universal pre-  
751 kindergarten program has a fair and full opportunity to reach such child's full developmental  
752 potential and shall maximize every child's capacity and opportunity to enter kindergarten ready  
753 to learn. The comprehensive system shall be designed to include, but not be limited to,  
754 measuring a program's ability to provide: (1) instructional improvement through the provision  
755 of instructionally relevant information which guides instructional decision-making; (2)  
756 alignment of the preschool's curriculum with the state learning and program standards  
757 promulgated under this chapter; (3) the identification of children in need of additional  
758 educational, medical, and human services; (4) communication with parents; (5) preparation of  
759 an appropriate kindergarten transition plan for each student under this chapter; (6) program  
760 evaluation under this chapter; and (7) the gathering of data for the longitudinal study required  
761 by this chapter.

762 (f) Pursuant to section 11, the department shall establish a comprehensive system for  
763 measuring the performance and effectiveness of preschool programs providing early education  
764 and care. This system shall include, but not be limited to, outcomes of the kindergarten  
765 readiness assessment system required by this section and other educationally sound, evaluative  
766 tools that are adopted by the department to assess age-appropriate progress and school readiness  
767 of each preschool-aged child and evaluations of overall provider performance and compliance  
768 with applicable laws, standards and requirements. The department shall conduct a formal  
769 evaluation of all early education and care programs and providers participating in the  
770 Massachusetts universal pre-kindergarten program at least once every 2 years. If the  
771 department determines that a provider has failed to meet performance measures, or to comply  
772 with applicable laws, standards and requirements, it may impose sanctions that it considers  
773 necessary. These sanctions may include, but need not be limited to, a probationary period or  
774 termination of funding.

775 Section 13. (a) The board shall, subject to appropriation, establish the Massachusetts  
776 universal pre-kindergarten program to assist in providing voluntary, universally accessible,  
777 high-quality early education and care programs and services for preschool-aged children in the  
778 commonwealth. The program shall be designed to meet and enhance the preschool-aged child's

779 ability to make age appropriate progress in the development of cognitive, linguistic, social,  
780 emotional and physical capacities and school readiness based on curriculum frameworks.

781 (b) The Massachusetts universal pre-kindergarten program shall be delivered through a  
782 mixed system of providers and programs. Programs shall be sufficiently flexible to serve  
783 families with various work schedules. The department shall develop a method for funding the  
784 program, which may provide grants, or enter into contracts with any provider of early education  
785 and care, or entities coordinating or administering plans to provide high-quality, comprehensive  
786 services to children and their families within the local community. These providers may  
787 include, but are not limited to: public; private; non-profit and for-profit preschools; child care  
788 centers; nursery schools; preschools operating within public and private schools; Head Start  
789 programs; independent and system-affiliated family child care homes; and local early education  
790 and care councils. The department may provide vouchers to eligible households for the purpose  
791 of implementing the early education and care program. All providers shall demonstrate that they  
792 are willing and able to serve and integrate children of diverse abilities and special needs, diverse  
793 cultural and linguistic backgrounds and diverse economic circumstances.

794 (c) The department and board shall, in consultation with the department and board of  
795 elementary and secondary education, develop a joint policy on kindergarten transitions, which  
796 shall ensure smooth transitions between home, family day care, center-based preschool, and  
797 public pre-school. The policy shall be research-based, and aligned with best practices. The  
798 policy shall recognize the sensitive nature of the process for children and families, shall be  
799 designed to ensure the ongoing participation of parents and family in the process, and shall  
800 maximize all opportunities to ensure smooth transitions during the year before entering  
801 kindergarten.. The process shall include, as much as is practicable, the exposure of both  
802 children and families to the kindergarten environment early and regularly in the transition  
803 process. The department shall require every preschool program receiving funding from the  
804 commonwealth to develop a local transition plan consistent with the statewide policy plan.

805 (d) The department, in cooperation with the executive office of health and human services,  
806 shall, to the extent practicable, assure that the programs and services provided through the  
807 Massachusetts universal pre-kindergarten program are no less available in the aggregate to the  
808 children of disabled parents than to the children of non-disabled parents. The department of  
809 early education and care, with the approval of the board and in consultation with the state

810 advisory committee on early education and care established in section 3A, shall study and  
811 present any additional recommendations on the programmatic, financing, and phase-in options  
812 for the development and universal implementation of the Massachusetts universal pre-  
813 kindergarten program. This study shall include an estimate of the need for full-day, full-year  
814 care that meets the needs of parents who work full-time and shall include the number of pre-  
815 school aged children in the commonwealth who may be at risk due to family poverty, TAFDC  
816 status, special needs, or other risk factors.

817 The department shall include its findings and recommendations, and any updates of its  
818 findings, in the annual report required under section 3.

819 Section 14. (a) A person whose consent is required by section 2 of chapter 210 may, before  
820 surrender, request from a placement agency background information pertaining to the  
821 prospective adoptive family in which the placement agency expects to place the child if  
822 surrendered. The board shall adopt rules and regulations regarding the nature of the background  
823 information. No agency shall be required to reveal the identity or geographical location of the  
824 prospective adoptive family to such person. The placement agency shall provide the  
825 background information in writing unless the person whose consent is required signs a written  
826 waiver of the request.

827 (b) Each placement agency shall register with an adoption resource exchange in the  
828 commonwealth whose goal is adoption of a child, whether the child is free for adoption or at  
829 legal risk, for whom the placement agency has been unable to identify a specific adoptive  
830 family or initiate the adoption process with a prospective adoptive family within 60 days of the  
831 determination of the goal of adoption. For the purposes of this section, an “adoption resource  
832 exchange” shall mean a nonprofit agency, the primary purpose of which is to link children  
833 awaiting placement with permanent families by providing information and referral services and  
834 by the recruitment of potential adoptive families.

835 Section 15. (a) Any person who violates section 6 shall be punished for each violation by a  
836 fine of up to \$5,000 or by imprisonment in the house of correction for not more than 2½ years,  
837 or by both.

838 (b) Upon petition of the department, the superior court shall have jurisdiction to enjoin any  
839 violation of said section 6 or to take other action that equity and justice may require.

840 Section 16. Upon petition of the department, the superior court shall have jurisdiction to  
841 enter an order permitting the department to enter and inspect, under conditions that the court  
842 considers appropriate, a facility operated by a person whom the department has probable cause  
843 to believe is subject to licensure or approval under this chapter.

844 SECTION 37. Section 28 of chapter 18 of the General Laws, as appearing in the 2006  
845 Official Edition, is hereby amended by striking out, in line 19, the words “office for children or  
846 his designee” and inserting in place thereof the following words:- department of early education  
847 and care or his designee.

848

849 SECTION 38. Section 9 of chapter 18A of the General Laws, as so appearing, is hereby  
850 amended by striking out, in line 3, the words “the office for children” and inserting in place  
851 thereof the following words:- the department of early education and care.

852

853

854 SECTION 39. The fourth sentence of the fourth paragraph of section 13 of said chapter  
855 18B, as amended by section 37 of chapter 176 of the acts of 2008, is hereby further amended by  
856 striking out the words “, 2 members at the time of their appointment shall be members of the  
857 local councils for children established under section 7 of chapter 28A

858

859 SECTION 40. Section 19 of chapter 19 of the General Laws, as appearing in the 2006  
860 Official Edition, is hereby amended by striking out, in lines 64 to 66, inclusive, the words “day  
861 care center, family day care home, family day care system, family foster care, or group care  
862 facility as defined in section nine of chapter twenty-eight A” and inserting in place thereof the  
863 following words:- child care center, family child care home, family child care system, family  
864 foster care or group care facility as defined in section 1A of chapter 15D.

865

866 SECTION 41. Section 15 of chapter 19B of the General Laws, as so appearing, is hereby  
867 amended by striking out, in lines 56 to 58, inclusive, the words “day care center, family day care  
868 home, family day care system, family foster care, or group care facility as defined in section  
869 nine of chapter twenty-eight A” and inserting in place thereof the following words:- child care

870 center, family child care home, family child care system, family foster care or group care  
871 facility as defined in section 1A of chapter 15D.

872

873 SECTION 42. Section 1 of chapter 23G of the General Laws, as so appearing, is hereby  
874 amended by striking out, in lines 99 and 100, the words “day care center or a school age child  
875 care program, as those terms are defined in section 9 of chapter 28A” and inserting in place  
876 thereof the following words:- child care center or school age child care program, as those terms  
877 are defined in section 1A of chapter 15D.

878

879 SECTION 43. Chapter 28A of the General Laws is hereby repealed.

880

881 SECTION 44. Section 2JJ of chapter 29 of the General Laws, as appearing in the 2006  
882 Official Edition, is hereby amended by striking out, in lines 6 to 7, the words “the office for  
883 children” and inserting in place thereof the following words:- early education and care.

884

885 SECTION 45. Section 3 of chapter 38 of the General Laws, as so appearing, is hereby  
886 amended by striking out in line 38 the word “day” and inserting in place thereof the following  
887 word:- child.

888

889 SECTION 46. Section 3 of chapter 40A of the General Laws, as so appearing, is hereby  
890 amended by striking out, in lines 68 to 70, inclusive, the words “day care center or a school-  
891 aged child care program, as those terms are defined in section nine of chapter twenty-eight A”  
892 and inserting in place thereof the following words:- child care center or a school-aged child care  
893 program, as defined in section 1A of chapter 15D.

894

895 SECTION 47. Said section 3 of said chapter 40A, as so appearing, is hereby further  
896 amended by striking out, in lines 80 and 81, the words “day care home and large family day  
897 care home, as those terms are defined in section nine of chapter twenty-eight A” and inserting in  
898 place thereof the following words:- child care home and large family child care home, as  
899 defined in section 1A of chapter 15D.

900

901       SECTION 48. Section 9C of said chapter 40A, as so appearing, is hereby amended by  
902 striking out, in lines 2 and 3, the words “day care center or a school age child care program, as  
903 those terms are defined in section nine of chapter twenty-eight A” and inserting in place thereof  
904 the following words:- child care center or a school-aged child care program, as defined in  
905 section 1A of chapter 15D.

906

907       SECTION 49. Section 1 of chapter 40D of the General Laws, as so appearing, is hereby  
908 amended by striking out, in lines 67 to 69, inclusive, the words “day care center or a school age  
909 child care program, as those terms are defined in section nine of chapter twenty-eight A” and  
910 inserting in place thereof the following words:- child care center or a school-aged child care  
911 program, as defined in section 1A of chapter 15D.

912

913       SECTION 50. Section 1A of chapter 69 of the General Laws is hereby amended by  
914 striking out, in lines 24, 29 and in lines 72 and 73, as so appearing, the words “early  
915 childhood,”.

916

917       SECTION 51. Section 1B of said chapter 69, as so appearing, is hereby amended by  
918 striking out, in lines 53, 57 and 67, as so appearing, the words “early childhood,”.

919

920       SECTION 52. Section 1C of said chapter 69, as so appearing, is hereby amended by  
921 striking out, in line 2, the words “early childhood,”.

922

923       SECTION 53. Section 1E of said chapter 69, as so appearing, is hereby amended by  
924 striking out, in line 25, the words “early childhood programs and”.

925

926       SECTION 54. Section 7A of chapter 71 of the General Laws, as so appearing, is hereby  
927 amended by striking out, in lines 6 and 7, and, in lines 15 and 16, the words “day care facility  
928 licensed or registered by the office for children, or a day” and inserting in place thereof, in each  
929 instance, the following words:- child care center licensed or approved by the department of  
930 early education and care, or a child.

931

932       SECTION 55. Section 16C of said chapter 71, as so appearing, is hereby amended by  
933 striking out, in lines 13 and 14, the words “day care facility licensed or registered by the office  
934 for children or a day” and inserting in place thereof the following words:- child care center  
935 licensed or approved by the department of early education and care or a child.

936

937

938       SECTION 56. Said section 15A of said chapter 75, as so appearing, is hereby further  
939 amended by striking out, in lines 17 and 18, the words “section 10 of chapter 28A” and inserting  
940 in place thereof the following words:- section 7 of chapter 15D.

941

942       SECTION 57. Section 1 of chapter 90 of the General Laws, as so appearing, is hereby  
943 amended by striking out, in line 252, the word “day” and inserting in place thereof the  
944 following word:- child.

945

946       SECTION 58. Section 7D of said chapter 90, as so appearing, is hereby amended by  
947 striking out, in line 29, the word “day” and inserting in place thereof the following word:- child.

948

949       SECTION 59. Section 4J of chapter 111 of the General Laws, as so appearing, is hereby  
950 amended by striking out, in line 19, the words “office for children” and inserting in place  
951 thereof the following words:- department of early education and care.

952

953       SECTION 60. Section 192B of said chapter 111, as so appearing, is hereby amended by  
954 striking out, in line 20, the word “day” and inserting in place thereof the following word:- child.

955

956       SECTION 61. Section 219 of said chapter 111, as so appearing, is hereby amended by  
957 striking out, in line 2, the word “day” and inserting in place thereof the following word:- child.

958

959       SECTION 62. Section 4 of chapter 111I of the General Laws, as so appearing, is hereby  
960 amended by striking out, in line 13, the words “office for children” and inserting in place  
961 thereof the following words:- department of early education and care.

962

963       SECTION 63. The definition of “Child in need of services” in section 21 of chapter 119, as  
964 amended by section 83 of chapter 176 of the acts of 2008, is hereby further amended by striking  
965 out the figure “16” and inserting in place thereof the following figure:- 17

966       SECTION 64. The definition of “Mandated reporter” in said section 21 of said chapter 119,  
967 as amended by section 83 of chapter 176 of the acts of 2008, is hereby further amended by  
968 striking out the words “family day care systems” and inserting in place thereof the following  
969 words:- family child care systems.

970

971       SECTION 65. Section 39H of said chapter 119, as appearing in the 2006 Official Edition,  
972 is hereby amended by striking out, in lines 24 and 25, line 26 and in lines 27 and 28, the words  
973 “office for children” and inserting in place thereof in each instance the following words:-  
974 department of early education and care.

975

976       SECTION 66. Section 2 of chapter 132B of the General Laws, as so appearing, is hereby  
977 amended by striking out, in lines 61, 68 and 75, the word “day” and inserting in place thereof, in  
978 each instance, the following word:- child.

979

980       SECTION 67. Section 6C of said chapter 132B, as so appearing, is hereby amended by  
981 striking out, in lines 2, 6, 10, 11, 22 and 26, the word “day” and inserting in place thereof, in  
982 each instance, the following word:- child.

983

984       SECTION 68. Section 6D of said chapter 132B, as so appearing, is hereby amended by  
985 striking out, in lines 1 and 9, the word “day” and inserting in place thereof, in each instance, the  
986 following word:- child.

987

988       SECTION 69 Section 6E of said chapter 132B, as so appearing, is hereby amended by  
989 striking out, in lines 1, 7, 8 and 17, the word “day” and inserting in place thereof, in each  
990 instance, the following word:- child.

991

992 SECTION 70. Section 6F of said chapter 132B, as so appearing, is hereby amended by  
993 striking out, in line 2, the word “day” and inserting in place thereof the following word:- child.

994 SECTION 71. Section 6G of said chapter 132B, as so appearing, is hereby amended by  
995 striking out, in lines 2 and 16, the word “day” and inserting in place thereof in each instance the  
996 following word:- child.

997

998 SECTION 72. Section 6H of said chapter 132B, as so appearing, is hereby amended by  
999 striking out, in lines 1, 17, 22 and 30, the word “day” and inserting in place thereof, in each  
1000 instance, the following word:- child.

1001

1002 SECTION 73. Section 6I of said chapter 132B, as so appearing, is hereby amended by  
1003 striking out, in line 2, the word “day” and inserting in place thereof the following word:- child.

1004

1005 SECTION 74. Section 52D of chapter 149 of the General Laws, as so appearing, is hereby  
1006 amended by striking out, in line 12, the word “day” and inserting in place thereof the following  
1007 word:- child.

1008

1009 SECTION 75. Said section 52D of said chapter 149, as so appearing, is hereby further  
1010 amended by striking out, in line 13, the figure “28A” and inserting in place thereof the  
1011 following figure:- 15D.

1012

1013 SECTION 76. Section 1 of chapter 152 of the General Laws, as so appearing, is hereby  
1014 amended by striking out, in line 28, the word “day” and inserting in place thereof the following  
1015 word:- child.

1016

1017 SECTION 77. Section 17K of chapter 180 of the General Laws, as so appearing, is hereby  
1018 amended by striking out, in lines 4 and 10, the word “day” and inserting in place thereof, in  
1019 each instance, the following word:- child.

1020

1021 SECTION 78. Section 5 of chapter 209C of the General Laws, as so appearing, is hereby  
1022 amended by striking out, in line 10, the words “twenty-eight A” and inserting in place thereof  
1023 the following figure:- 15D.

1024

1025 SECTION 79. Section 5D of chapter 210 of the General Laws, as so appearing, is hereby  
1026 amended by striking out, in lines 1 and 2, the words “section nine of chapter twenty-eight A”  
1027 and inserting in place thereof the following words:- section 1A of chapter 15D.

1028

1029 SECTION 80. Section 11A of said chapter 210, as so appearing, is hereby amended by  
1030 striking out, in line 3, the word “twenty-eight A” and inserting in place thereof the following  
1031 figure:- 15D.

1032

1033 SECTION 81. Section 85Y of chapter 231 of the General Laws, as so appearing, is hereby  
1034 amended by striking out, in lines 11 to 13, inclusive, the words “day care center or a school age  
1035 child care program, as those terms are defined in section nine of chapter twenty-eight A” and  
1036 inserting in place thereof the following words:- child care center or a school-aged child care  
1037 program, as defined in section 1A of chapter 15D.

1038

1039 SECTION 82. Section 22 of chapter 270 of the General Laws, as so appearing, is hereby  
1040 amended by striking out, in line 144, the word “day” and inserting in place thereof the following  
1041 word:- child.

1042

1043 SECTION 83. Said section 22 of said chapter 270, as so appearing, is hereby further  
1044 amended by striking out, in line 146, the words “office of child care services” and inserting in  
1045 place thereof the following words:- department of early education and care.

1046

1047 SECTION 84. Section 22 of chapter 45 of the acts of 2005 is hereby amended by striking  
1048 out subsection (a) and inserting in place thereof the following subsection:-

1049 (a) Notwithstanding any general or special law to the contrary, this section shall facilitate  
1050 the orderly transfer of the employees, proceedings, rules and regulations, property and legal

1051 obligations of the following state agencies of state government from the transferor agency to the  
1052 transferee agency, as follows:

1053 (1) the early education and care functions of the department of elementary and secondary  
1054 education, except for those grant programs for which the department of elementary and  
1055 secondary education is the state educational agency and the extended school services program  
1056 established by sections 26A and 26B of chapter 71 of the General Laws, as the transferor  
1057 agency, to the department of early education and care, as the transferee;

1058 (2) the functions of the office of child care services, as described in chapter 28A of the  
1059 General Laws, prior to the effective date of this act as the transferor agency, to the department  
1060 of early education and care, as the transferee agency.

1061

1062 SECTION 85. The board of early education and care, established in section 3 of chapter  
1063 15D of the General Laws, shall, in consultation with the advisory council established under  
1064 section 3A of said chapter 15D, assess and report on the current and potential capacity of the  
1065 existing early education and care system to: enhance the quality of early education and care  
1066 programs; provide multiple points of entry and outreach for families including those in hard to  
1067 reach populations; deliver comprehensive services including mental health consultation and  
1068 intervention services to decrease expulsion rates; foster collaboration and coordinate resources  
1069 among providers of early education programs and linkages with human services agencies, the  
1070 department of elementary and secondary education and local school districts; undertake school  
1071 readiness assessments and program evaluations; maximize resources for workforce and  
1072 professional development for early education and care professionals; and reestablish trial court  
1073 child care program.

1074 The board shall include in its report a review of the local and regional organizational  
1075 structures required by section 4 of chapter 15D of the General Laws, along with  
1076 recommendations for how to achieve the most effective regional and local coordination to  
1077 enhance the quality of services delivered through the early education and care system. The  
1078 report shall also include recommendations relative to any legislation necessary to support or  
1079 authorize such plans. The board shall submit its report not later than December 15, 2008, to the  
1080 clerks of the house of representatives and the senate who will forward the same to the joint  
1081 committee on education.

1082

1083       SECTION 86. The department of early education and care, with the approval of the board  
1084 of early education and care, may make agreements with the department of elementary and  
1085 secondary education, or any departments or agencies within the executive office of health and  
1086 human services to carry out any of the provisions included in chapter 15D of the General Laws,  
1087 as amended by this act. Said department of elementary and secondary education or any  
1088 department or agency within said executive office of health and human services may make and  
1089 carry out any such agreements with the commissioner of early education and care.

1090

1091       SECTION 87. Any agreement under which the office of child care services had delegated  
1092 its licensing functions to a city or town under chapter 28A of the General Laws shall expire 6  
1093 months after the effective date of this act.

1094

1095       SECTION 88. Notwithstanding any general or special law to the contrary, in developing  
1096 the program standards required by sections 11 and 13 of chapter 15D of the General Laws, the  
1097 board of early education and care shall adopt the standards and requirements entitled Early  
1098 Childhood Program Standards For Three and Four Year Olds and those entitled Guidelines For  
1099 Preschool Learning Experiences approved by the board of education in April of 2003, until any  
1100 superseding standards and requirements are adopted by the board. The department shall base  
1101 any superseding standards on the Early Childhood Program Standards promulgated by the  
1102 department of education, the Head Start Standards, and such other program quality standards as  
1103 the department considers relevant and applicable.

1104       Notwithstanding any general or special law to the contrary, the board of early education  
1105 and care shall use the accreditation procedures of the National Association for the Education of  
1106 Young Children or the New England Association of Schools and Colleges, which shall include  
1107 supplemental requirements to be developed by the board, or other accreditation procedures that  
1108 it considers appropriate until such time as any superseding program standards, learning  
1109 standards or accreditation procedures are approved by the board. In developing any new  
1110 accreditation procedures, the department shall strive to ensure the high-quality of all early  
1111 education and care programs and services in the commonwealth but shall endeavor to develop a

1112 more cost-effective accreditation option than currently provided by national accreditation  
1113 agencies.

1114

1115 SECTION 89. Section 20 shall take as of August 15, 2008.

1116

1117 SECTION 90. Section 63 shall take effect as of July 8, 2008.